IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 12618 of 2005

Between:

J.Naveen Kumar, S/o.Late Venkata Ramana, Indian, aged 35 years, Occ:Business, D.No.62-4-12, Quarrypeta, 10th Division, Rajahmundry-3, East Godavari District.

..... PETITIONER

AND

1. The Revenue Divisional Officer, Rajahmundry, East Godavari District.
2. The Assistant Director of Mines and Geology, Rajahmundry, East Godavari District.
3. The Commissioner of Mines and Geology, BRKR Buildings, Tankbund, Hyderbad.
4. The Deputy Director of Mines and Geology, Kakinada, East Godavari District.
5. The Commissiner, Muncipal Corporation of Rajahmundry, Rajahmundry, East Godavari District.
6. R.Rama Chandra Rao S/o.Suri Appa Rao, 48 years, Near Syamalamba Temple, Rajahmundry, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No.1 to 4 not allowing the respondent No.6 to carry on quarrying operations in R.S.No.68/1 and 68/2, 10th

Division, Ramadasupet, Rajahmundry Town, East Godavari District, with the use of explosive substances for blasting the quarry for excavating black metal as illegal, arbitrary high handed, contrary to Section 4(!) of the Mines and Minerals (Regulation and Development) Act, 1957 and Rules, 1960 and consequentially, direct the respondents not to permit quarrying of black road metal in Survey No.68/1 and 68/2, 10th Division Ramadasupet, Rajahmundry Town, East Godavari District.

Counsel for the Petitioner:MR.KANAKAMEDALA RAVINDRA KUMAR

Counsel for the Respondents No.1 to 4: GP FOR MINES AND GEOLOGY

Counsel for the Respondent No.5: A.Vishnu Vardhan Reddy, Standing Counsel, Rajahmundry

Counsel for the respondent No.6.C.Manohar Reddy.

The Court made the following :

ORDER:

This writ petition has been filed by J.Naveen Kumar with a prayer to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No.1 to 4 in not permitting

the 6th respondent-Mr.R.Rama Chandra Rao to carry on quarrying operations in R.S.No.68/1 and 68/2, 10th Division, Ramadasupet, Rajahmundry Town, East Godavari District.

2. It is the case of the petitioner that the land in R.S.No.68/1 and 68/2 is in residential locality and therefore, the inaction of the respondents No.1 and 4 in not preventing the 6th respondent from carrying on quarrying operations is detrimental to the inhabitants of the locality.

3. The 6th respondent has filed his counter affidavit. It is stated in the counter affidavit that the petitioner has been set up by one Bheri Nageswara Rao, who unsuccessfully tried to interfere with the quarry activities by filing an application to get himself impleaded as one of the parties in O.S.No.86 of 2003. It is further stated in the counter affidavit that the competent authorities have granted permission to him vide proceedings dated
25-05-2005 and therefore, he is entitled to carry on quarrying activity in the land bearing R.S.No.68/1 and 68/2. It is further stated in the counter affidavit that those two survey numbers are not within the residential locality.

4. Heard, the learned counsel for the petitioner and the learned counsel appearing for the 6th respondent and the learned Government Pleader for Mines and Geology appearing for respondents No.2 and 4.

5. The main contention of the counsel for the petitioner is that the Survey No.68/1 and 68/2 are situated in residential locality and therefore, using the said survey numbers for quarrying is impermissible. No convincing material has been placed on record to show that the Survey Nos.68/1 and 68/2 are situated within the residential area. If the petitioner has any grievance, he is at liberty to approach the authority concerned for cancellation of permission granted to the 6th respondent. Giving liberty to the petitioner to approach the authorities concerned, this writ petition is disposed of. No costs.

01st July, 2005.

Note:-

Issue copy within three days.

B/O

mrb

To

1. The Revenue Divisional Officer, Rajahmundry, East Godavari District.
2. The Assistant Director of Mines and Geology, Rajahmundry, East Godavari District.
3. The Commissioner of Mines and Geology, BRKR Buildings, Tankbund, Hyderbad.
4. The Deputy Director of Mines and Geology, Kakinada, East Godavari District.
5. The Commissiner, Muncipal Corporation of Rajahmundry, Rajahmundry, East Godavari District.
6. Two CCs to GP for Mines and Geology, High Court Buildings, Hyderbad(OUT).
7. Two CD copies.